

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 CHAD STANBRO,

PLAINTIFF,

5
6 -against-

Case No.:
19-CV-10857

7
8 WESTCHESTER COUNTY HEALTH CORPORATION,
9 WESTCHESTER MEDICAL CENTER, FRANK WEBER,
10 AND JOHN FULL,

DEFENDANTS.

11 CHAD STANBRO,

PLAINTIFF,

12
13 -against-

Case No.:
19-CV-10857

14 C.O. NADYA PALOU, C.O. RAYMOND DEAL, C.O.
15 KRISTOPHER LEONARDO, C.O. RICHARD LANDRY,
16 CORRECTION NURSE GARY PAGLIARO, AND
17 CORRECTION SERGEANT ENRIQUE TORRES,

DEFENDANTS.

18
19 DATE: May 4, 2021

20 TIME: 11:00 A.M.

21 DEPOSITION of the Defendant,
22 STEPHEN URBANSKI, taken by the respective
23 parties, pursuant to an Order and to the
24 Federal Rules of Civil Procedure, held via
25 videoconference, before Victoria Chumas, a
Notary Public of the State of New York.

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F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

1 S. URBANSKI

2 S T E V E N U R B A N S K I, called as a
3 witness, having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. SIVIN:

8 (Whereupon, PDF Documents were
9 deemed marked as Plaintiff's Exhibit
10 37 & 38 for identification as of this
11 date by the Reporter.)

12 Q. Please state your name for the
13 record.

14 A. Steven Urbanski.

15 Q. What is your address?

16 A. 18 Strack Drive, Beacon, New
17 York 12508.

18 Q. Good morning, Deputy. My name
19 is Edward Sivin, and I represent the
20 plaintiff, Chad Stanbro, in this lawsuit.
21 I am going to be asking you questions
22 relating to an incident that took place on
23 August 31st of 2018. If for any reason you
24 do not understand a question, or a question
25 is not clear, or you can't hear it well

1 S. URBANSKI

2 enough because we're doing this virtually,
3 do not answer the question. Ask me to
4 repeat it or rephrase it, and I will do so.

5 A. Absolutely.

6 Q. Please also make sure that all
7 of your answers are verbal because the
8 stenographer can't take down hand gestures
9 or head gestures. And also, please wait
10 until I completely finish my question
11 before you begin your answer even if you
12 know what I am about to ask because the
13 stenographer cannot take down both of us
14 talking at the same time, okay?

15 A. Okay.

16 Q. Also from time to time you may
17 hear one or more of the lawyers in response
18 to one of my questions say the word
19 "objection." Now, that does not mean that
20 you should not answer the question. You
21 should continue to answer the question
22 unless the lawyer tells you for whatever
23 reason not to answer the question. I just
24 don't want you to be distracted if you hear
25 someone say "objection." You can continue

1 S. URBANSKI

2 to answer the question, okay?

3 A. Okay.

4 Q. All right. So are you
5 currently the deputy superintendent of
6 security at Fishkill Correctional Facility?

7 A. Yes.

8 Q. And how long have you held that
9 position?

10 A. Approximately five and a half
11 years.

12 Q. When did you graduate the
13 academy?

14 A. October of '89.

15 Q. I would like you to take me
16 through generally what your assignments
17 were --

18 A. It would be November of '89,
19 I'm sorry.

20 Q. Okay. And I would like you to
21 take me generally through your assignments
22 from when you graduated the academy to the
23 present.

24 MS. COLLINS: I'm sorry, Ed.

25 Is there a way to make your screen

1 S. URBANSKI

2 not so shaky?

3 MR. SIVIN: Yes. I can stop
4 shaking it.

5 A. I was a correction officer for
6 10 years. My predominant work facility was
7 Mid-Orange. I was promoted to sergeant at
8 Lincoln. From Lincoln, I transferred to
9 Otisville Correctional Facility as a
10 sergeant. I remained there until I made
11 lieutenant at Taconic Correctional
12 Facility, at which time I eventually
13 transferred to Mid-Orange as lieutenant.
14 From Mid-Orange, I was promoted to captain
15 at Bedford Hills. From there, I
16 transferred to Sullivan Correctional
17 Facility as captain, where I remained until
18 I was promoted to deputy superintendent of
19 security at Taconic Correctional Facility,
20 where I remained for approximately a year
21 and then was promoted to deputy
22 superintendent at Fishkill.

23 Q. Did you ever work at Greene
24 Correction Facility?

25 A. No.

1 S. URBANSKI

2 Q. Can you tell me generally what
3 the duties were of the deputy
4 superintendent at Fishkill back in August
5 of 2018?

6 A. I oversee all aspects of the
7 security functions at the facility.

8 Q. Did there come a time on
9 August 31, 2018 when you learned that there
10 was some type of a use of force incident
11 involving a Fishkill prisoner named Chad
12 Stanbro?

13 A. Yes.

14 Q. And how did you first learn of
15 this incident?

16 A. I don't recall exactly how I
17 first learned about it.

18 Q. Were you working on August 31,
19 2018?

20 A. Yes, I was.

21 Q. And you were working inside of
22 the facility?

23 A. Yes.

24 Q. Did you learn of the incident
25 on that day, August 31, 2018?

1 S. URBANSKI

2 A. Yes, I did.

3 Q. Okay. And generally, how did
4 you find out? Did someone call you? Did
5 you see something?

6 A. I got notified, but who did the
7 notification, I don't recall.

8 Q. When you say you "got
9 notified," did you get notified by
10 telephone, in person, or something else?

11 A. Again, I don't recall. The
12 watch commander's office is just down the
13 hall. I don't remember if they called me,
14 if they came down, if I got a phone call
15 from the outside hospital. I became aware
16 of the incident shortly after it happened.

17 Q. What was the first thing you
18 became aware of though? What was the first
19 bit of information you got?

20 A. We had an inmate, I believe it
21 was at Westchester Medical Center, for I
22 believe a dental procedure. During a
23 dental procedure, force became necessary.
24 Two staff members from our facility used
25 force on the inmate. As a result of the

1 S. URBANSKI

2 incident, the inmate was being brought back
3 to the facility.

4 Q. So at the point you became
5 aware of this incident, Mr. Stanbro was
6 still at Westchester Medical Center; is
7 that correct?

8 MS. COLLINS: Objection.

9 A. Again, I am not exactly sure
10 where we were when I got notified. He
11 either was there or on his way back to the
12 facility. I knew about it prior to him
13 returning to the facility.

14 Q. And at that point, did you know
15 any more details about the incident or the
16 force that was used against him?

17 A. Not at that time. I had just
18 basic information.

19 Q. What, if anything, did you do
20 in response to receiving this information
21 that there had been a use of force incident
22 involving Mr. Stanbro at Westchester
23 Medical Center?

24 A. We would normally in these
25 cases when the staff returned to the

1 S. URBANSKI

2 facility, they would have a use of force
3 report to write where we would get the
4 detailed information as to what took place.

5 Q. Okay. I am going to ask you to
6 try to distinguish between what is normal
7 procedure and what you actually recall
8 happening on that day. So let me ask you
9 this, after you found out in a general
10 sense, that there had been use of force
11 involving Mr. Stanbro at the Westchester
12 Medical Center, what is the next thing, if
13 anything, that you did that day in
14 connection with this incident?

15 A. The inmate was coming back to
16 the facility and we needed to make
17 arrangements to speak with staff that were
18 involved to find out what happened.

19 Q. And did you make these
20 arrangements or participate in these
21 arrangements?

22 A. Well, these arrangements were
23 already taking place. The inmate was
24 already on his way back to the facility,
25 and when the staff got there, we would have

1 S. URBANSKI

2 had them relieved, which is normal
3 procedure, to start filling out the reports
4 and get information.

5 Q. Okay. Again, you are using
6 words like "we would have" and "this is
7 normal procedure." Again, I understand
8 this was a while ago. If you don't
9 remember certain things, that's fine. But
10 initially what I want to do is just limit
11 your testimony to what you actually recall,
12 so --

13 A. The officers --

14 Q. Go ahead.

15 A. The officers were in the van
16 driving back to the facility, so we had to
17 wait for them to get back to the facility
18 to get additional information. Once they
19 would return to the facility, we would have
20 gotten them relieved and then started to
21 get the information put together.

22 Q. Did you see Mr. Stanbro at all
23 on August 31, 2018?

24 A. I don't recall if I went over
25 to our regional medical unit or not to

1 S. URBANSKI

2 actually see Mr. Stanbro.

3 Q. And when you mentioned
4 "regional medical unit," was that because
5 it was your understanding that Mr. Stanbro
6 was being brought from Westchester Medical
7 Center to the RMU?

8 A. Yes. When --

9 Q. I'm sorry?

10 A. When inmates come back from the
11 outside hospital they go to the RMU prior
12 to being returned to population.

13 Q. Did you go to the RMU at any
14 point on August 31, 2018?

15 A. I don't remember.

16 Q. Do you have a recollection of
17 seeing Mr. Stanbro at any point on
18 August 31, 2018?

19 A. I don't recall.

20 Q. Do you have a recollection of
21 ever seeing Mr. Stanbro before August 31,
22 2018?

23 A. I don't recall.

24 Q. How about after August 31,
25 2018?

1 S. URBANSKI

2 A. I don't remember if Mr. Stanbro
3 returned to Fishkill after that incident or
4 not.

5 Q. Did you speak to any of the
6 officers, Fishkill officers, who were
7 involved in the use of force with Mr.
8 Stanbro?

9 A. Yes.

10 MR. SIVIN: Let's give Claudine
11 a call.

12 (Whereupon, a short recess was
13 taken.)

14 Q. Deputy, which officers did you
15 speak with that were involved in the use of
16 force with Mr. Stanbro?

17 A. Deal, Officer Deal, and Officer
18 Palou.

19 Q. When did you first speak with
20 Officer Deal about this incident?

21 A. It would be the date of the
22 incident.

23 Q. Was it upon his return to
24 Fishkill, or was it prior to his return to
25 Fishkill?

1 S. URBANSKI

2 A. Upon his return to Fishkill.

3 Q. How about Officer Palou? When
4 did you first speak with her about the
5 incident?

6 A. Upon her return to Fishkill.

7 Q. Did you speak to the two of
8 them at the same time?

9 A. I don't recall.

10 Q. Where did you have your first
11 conversation with Officer Deal?

12 A. I believe it was in the admin
13 building at the facility.

14 Q. The administration building?

15 A. Yes.

16 Q. And how about with Officer
17 Palou? When did you have your first
18 conversation with her?

19 A. Palou would be the same.

20 Q. Do you have any idea as to how
21 soon after they arrived at the facility you
22 had your conversations with them?

23 A. I don't recall, but it wouldn't
24 have been a substantial period of time.

25 Q. What was the purpose of that

1 S. URBANSKI

2 conversation?

3 A. Well, we had an incident that
4 happened at an outside hospital. By that
5 point, the facility received additional
6 information from Westchester Hospital, and
7 we were assessing, trying to assess what
8 actually took place.

9 Q. What additional information had
10 you received from Westchester Hospital?

11 A. That there was additional staff
12 involved in the incident than was initially
13 reported to me.

14 Q. Who provided you with that
15 additional information that there was more
16 staff involved?

17 A. The information came from
18 Westchester Medical Center.

19 Q. From who at --

20 A. I don't remember specifically
21 who.

22 Q. Do you know if it was from one
23 of the healthcare providers?

24 A. Again, I don't remember
25 specifically who.

1 S. URBANSKI

2 Q. Do you know Dr. Weber?

3 A. Not that I recollect.

4 Q. Now, do you interview all
5 correction officers who are involved in a
6 use of force incident with a prisoner?

7 A. No, not always.

8 Q. Okay. Why did you interview
9 Deal and Palou on this occasion?

10 A. Because we received information
11 from Westchester that there was issues with
12 the use of force, and we were looking to
13 gather information.

14 Q. Well, what additional
15 information did you receive that prompted
16 you to interview Palou and Deal?

17 A. Again, the initial report I
18 received, it was that an inmate needed to
19 be restrained while at the hospital for I
20 believe it was a dental procedure, and two
21 staff members assisted in restraining. The
22 hospital called complaining and said that
23 there was, in fact, four staff members
24 involved, and at that point, we needed to
25 interview the staff members to get

1 S. URBANSKI

2 additional information.

3 Q. And when you said "the hospital
4 called complaining," what do you mean by
5 "complaining?"

6 A. They were complaining about the
7 use of force. They did not feel it was
8 appropriate.

9 Q. And this was a discussion that
10 was had between and someone at the
11 hospital?

12 A. No. I don't remember if it was
13 a discussion or if it was an email.

14 Q. And be as specific as you can
15 as to what the nature of the complaint was
16 at the hospital regarding the use of force
17 by the Fishkill correction officers.

18 A. It was just that there was --
19 that they felt that the force was
20 unnecessary. The specifics beyond that, I
21 don't remember specifically.

22 Q. Did anyone tell you that any
23 force was applied to Mr. Stanbro's neck?

24 A. I don't recall the specifics as
25 far as that goes with the conversation.

1 S. URBANSKI

2 Q. Okay. Let me just press on
3 that a little further because you hesitated
4 for about 10 seconds before answering that.
5 Do you have some recollection of someone at
6 Westchester Medical Center mentioning
7 anything to you about any force used
8 against Mr. Stanbro's neck?

9 MS. COLLINS: I'm going to make
10 an objection, but you can answer.

11 A. Again, I don't recollect. At
12 one time during this incident it became
13 obvious that the inmate had suffered a neck
14 injury, and my pause was because I was
15 trying to remember where exactly I was in
16 the situation. But I really, truly don't
17 recollect if Westchester said that somebody
18 had used force specifically on his neck or
19 not.

20 Q. Do you recall hearing from any
21 source that force had been used against Mr.
22 Stanbro's neck on August 31, 2018?

23 A. I am just trying to remember
24 the specific use of force reports. I
25 believe the initial report was -- and

1 S. URBANSKI

2 again, I know it's that he was -- during a
3 medical procedure he had to be restrained.
4 I just don't recall specifically if the
5 force used to restrain him was around his
6 neck area or not.

7 Q. But did you hear from any
8 source that any force was used against Mr.
9 Stanbro's neck?

10 MS. COLLINS: Objection. You
11 can answer.

12 A. Again, I don't specifically
13 recall. I know that he suffered a neck
14 injury, so I don't recall whether a staff
15 member specifically said that they used
16 force on his neck or not.

17 Q. Well, was it your understanding
18 in any event that the neck injury was
19 sustained as a result of the use of force
20 by correction officers?

21 A. The neck injury was a result
22 from a use of force by correction officers
23 from what I'm told, but I am not medical
24 staff.

25 Q. Now, when you received this

1 S. URBANSKI

2 complaint from someone at Westchester about
3 what they thought was unnecessary force
4 used against Mr. Stanbro, did you inquire
5 further to ask for specifics? Like what
6 was done? What do you think was
7 unnecessary? What type of force was used?

8 A. It began a further
9 investigation into what took place. I
10 believe that day we contacted the Office of
11 Special Investigations for the department
12 because the injuries, once they became
13 obvious, and then the complaint from
14 Westchester Medical Center, we would have
15 called the Office of Special Investigations
16 and forwarded the issue to them because
17 they are our investigating body for our
18 department.

19 Q. Now, was it after you received
20 this complaint from Westchester Medical
21 Center that you decided to interview
22 Officers Deal and Palou?

23 A. They were on the way back from
24 the facility and the initial information I
25 had was a little vague. And then, by the

1 S. URBANSKI

2 time he was back at the facility, we were
3 aware that there were at least what
4 appeared to be injuries, so the decision to
5 interview them was to gain additional
6 information and find out what was going on
7 because at that point, we knew that
8 Westchester had made a phone call and we
9 were looking to get the information
10 together as to what took place.

11 Q. Okay. Just so I'm clear, at
12 the time you interviewed Deal and Palou you
13 already received this complaint from
14 Westchester Medical Center, correct?

15 A. I believe so, yes.

16 Q. And then was one of your
17 purposes of interviewing Deal and Palou to
18 determine the nature of the force that was
19 used against Mr. Stanbro?

20 A. Yes.

21 Q. Let's start with Officer Palou.
22 What did Officer Palou tell you with
23 respect to the force that was used against
24 Mr. Stanbro?

25 A. I don't remember the specifics

1 S. URBANSKI

2 of the conversation. It was quite a few
3 years ago.

4 Q. How about in a general sense?

5 A. In general, they told me the
6 inmate was in for a dental procedure, that
7 during the procedure he went out or had to
8 be restrained because the dentist he went
9 to interact with, and then when they
10 restrained him, he was injured and then
11 they had put him in a wheelchair, put him
12 in a van, and brought him back to the
13 facility.

14 Q. Did you ask Officer Palou what
15 type of actions or maneuvers were used to
16 restrain Mr. Stanbro?

17 A. That was reported in her 2104A,
18 so at that time, we went over the basics of
19 what took place. They would have been sat
20 down and started to fill out the reports.

21 Q. Well, here is what I am trying
22 to get at. You received a complaint from
23 Westchester that, in their opinion,
24 excessive force had been --

25 MS. COLLINS: Objection.

1 S. URBANSKI

2 Q. Or unnecessary force had been
3 used. What, if anything, did you discuss
4 with Officer Palou to determine whether in
5 your view unnecessary force was used?

6 A. I asked her what took place.
7 She gave me an overview of what took place
8 that day, and then they sat down and put it
9 in writing.

10 Q. And what did she tell you with
11 respect to the nature of the force that was
12 used against Mr. Stanbro?

13 A. That they had to use force to
14 restrain the inmate because he was acting
15 up during the dental procedure.

16 Q. What type of force did she say
17 was used against him?

18 A. Again, I don't remember
19 specifics about the conversation, but her
20 2104A that was submitted that day would
21 have those details in it.

22 Q. Did you ask her the details of
23 the force that was used against Mr.
24 Stanbro?

25 A. I may have, but again, I don't

1 S. URBANSKI

2 remember the specifics of that
3 conversation. It was quite a while ago.

4 Q. Did Officer Palou tell you that
5 she observed an officer apply force to Mr.
6 Stanbro's neck?

7 MS. COLLINS: Objection.

8 A. Again, I don't remember the
9 specifics of the conversation.

10 Q. But I want to focus in on that
11 particular question. Did Officer Palou
12 tell you that any officer applied force to
13 Mr. Stanbro's neck?

14 MS. COLLINS: I'm going to
15 object to this. This has been asked
16 and answered numerous times. You can
17 answer.

18 A. Again, I don't remember the
19 specifics of the conversation. She may
20 have, but the information that she provided
21 to me that day would have been in the 2104A
22 she submitted that day.

23 Q. And when you say "2104A," what
24 is that?

25 A. That is a use of force report

1 S. URBANSKI

2 that staff submits.

3 Q. How about your conversation
4 with Officer Deal? What did he tell you
5 about the nature of force that was used
6 against Mr. Stanbro?

7 A. My recollection of the
8 conversation with both staff members is
9 basically the same. They reported during
10 the dental procedure that the inmate
11 started acting out, and they had to use
12 force to restrain the inmate.

13 Q. Did Officer Deal tell you
14 whether any force was used against Mr.
15 Stanbro's neck?

16 A. Again, I don't remember the
17 specifics of the conversation that day.

18 Q. So you don't remember that,
19 correct?

20 MS. COLLINS: Objection. You
21 can answer.

22 A. Not the specifics. Again, when
23 they came back, I spoke to them briefly to
24 get a better overview of what took place
25 that day. Then they would be sat down to

1 S. URBANSKI

2 fill out the 2104A, and the information
3 that they provide in the 2104A is the
4 specific force that they reported using.

5 Q. Now, when you first spoke with
6 Officers Deal and Palou, did they tell you
7 that any officers other than themselves
8 were involved in the use of force?

9 A. I do not believe initially they
10 reported that.

11 Q. So after you had this initial
12 conversation with them in the
13 administration building, they filled out
14 their use of force reports, correct?

15 A. Yes.

16 Q. Were you with them when they
17 filled out their use of force reports?

18 A. My office is outside of the
19 area that's normally done in, so I would be
20 in the area, but specifically sitting with
21 them, no.

22 Q. So where were they sitting when
23 they filled out these use of force reports?

24 A. There is a conference room
25 outside of my office that is normally used

1 S. URBANSKI

2 for that. And I believe on the day in
3 question that is where they filled out the
4 reports.

5 Q. After they filled out those
6 reports, did you have any further
7 conversation with either of them, with Deal
8 or Palou?

9 A. I don't recall.

10 Q. Well, do you recall ever having
11 any conversations with Officer Deal or
12 Palou other than that initial conversation
13 that you had with them on August 31, 2018
14 in the administration building?

15 MS. COLLINS: Objection, but
16 you can answer.

17 A. I don't recall. I may have,
18 absolutely, but I don't recall.

19 Q. Now, earlier you said that the
20 complaint from Westchester you didn't know
21 if it came via phone conversation, or
22 email, or something else; is that correct?

23 A. Correct.

24 Q. Have you checked through any
25 emails to see if there is any communication

1 S. URBANSKI

2 that you had or that Fishkill had with
3 Westchester Medical Center about this
4 incident?

5 A. I have not. There was some
6 email communication with the hospital
7 afterwards that he was receiving treatment
8 at. I don't remember if that was
9 Westchester or not, but as far as anybody
10 requesting that, I don't remember a
11 specific email like that, no.

12 Q. Other than that initial
13 communication between Fishkill and
14 Westchester where Westchester made the
15 complaint, were there any further
16 communications between Westchester Medical
17 Center and Fishkill on August 31, 2018
18 regarding this incident?

19 MS. COLLINS: Objection. You
20 can answer.

21 A. At this point, the facility
22 recognized there appeared to be an issue.
23 And again, we contacted the Office of
24 Special Investigations. They pretty much
25 took over that investigation at that point,

1 S. URBANSKI

2 so specific conversations with the hospital
3 I don't recall, but I do believe they would
4 have gone through OSI.

5 Q. Other than your initial
6 conversation with officers Deal and Palou,
7 did you speak with anyone else regarding
8 the incident involving Mr. Stanbro at
9 Westchester Medical Center?

10 A. I'm sure I did.

11 Q. Well, tell me who you recall
12 speaking to about this.

13 A. I'm sure I talked to the
14 superintendent in regards to it and my
15 captains.

16 Q. Did you speak to anyone who
17 witnessed any portion of the incident
18 involving Mr. Stanbro?

19 A. Other than Palou and Deal?

20 Q. Yes.

21 A. I don't believe so.

22 Q. Did you ever speak with Nurse
23 Gary Pagliaro about the incident?

24 A. I may have, but I don't recall.

25 Q. How about Sergeant Enrique

1 S. URBANSKI

2 Torres?

3 A. I believe Sergeant Torres
4 responded to the situation, so the
5 likelihood is I spoke to him.

6 Q. Do you have any recollection of
7 any conversation with Sergeant Torres?

8 A. Not specifically, no.

9 Q. How about in a general sense?

10 A. Like I said, I'm sure that
11 since he was in the area and responding, I
12 spoke to him, but specifically what the
13 conversations were about, I don't recall
14 the specifics.

15 Q. Do you have any recollection of
16 any of the conversations you've had with
17 any other staff at Fishkill or staff at
18 Westchester Medical Center who observed Mr.
19 Stanbro on August 31, 2018?

20 A. No.

21 Q. Did there come a point when you
22 learned that additional officers besides
23 Palou and Deal had been involved in the use
24 of force?

25 A. Yes.

1 S. URBANSKI

2 Q. When for the first time did you
3 learn this?

4 A. I don't specifically recall
5 whether it was the date of the incident or
6 the day after, but it was shortly after the
7 incident took place.

8 Q. And how did you learn of this?

9 A. I believe initially it was part
10 of the report I received from Westchester.

11 Q. When you say "the report
12 received from Westchester," what
13 specifically are you referring to?

14 A. Well, they contacted the
15 facility in regards to the incident, and I
16 believe that through their report, we
17 determined that there were more staff
18 members involved than just the two Fishkill
19 officers.

20 Q. When you refer to this report
21 from Westchester, are you referring to the
22 initial communication where they complained
23 about what they felt was unnecessary force,
24 or are you referring to some additional
25 communication?

1 S. URBANSKI

2 A. I believe that took place in
3 the initial communication.

4 Q. So by the time that you
5 interviewed Palou and Deal you already were
6 privy to this complaint by Westchester
7 wherein they indicated that there were
8 additional officers involved, correct?

9 A. I believe so, yes.

10 Q. And did you ask Deal and Palou
11 were there any other officers involved?

12 A. Initially, no. They have to
13 fill out a 2104A, which is a staff use of
14 force report, so before we start
15 questioning them in regards to things like
16 this, when the initial report is received,
17 we have them put down what they report in
18 writing. Now, I believe that the hospital
19 phone call came in ahead of that, but for
20 me to start questioning them on that would
21 give them the ability to alter their
22 report, and would be inappropriate. We
23 normally have them report their use of
24 force first.

25 Q. Okay. Just so I'm clear, when

1 S. URBANSKI

2 you spoke to Palou and Deal, you knew about
3 the complaint from Westchester that
4 included an allegation that there were
5 additional officers involved, but you did
6 not call this to the attention of Officers
7 Palou or Deal, correct?

8 A. To the best of my recollection
9 with the timeframes, yes. And no, I would
10 not have initially asked them about that.
11 It would have came up later.

12 Q. Okay. In any event, in their
13 use of force reports, Palou and Deal
14 omitted any reference to any other officers
15 involved, correct?

16 A. I believe their initial reports
17 omitted it, yes.

18 Q. And did you ever confront them
19 about that subsequently?

20 A. At that point, and again, we
21 recognize that there were issues with the
22 incident and we reported the incident to
23 the Office of Special Investigations.
24 Again, they are the investigating body for
25 the Department of Corrections, and in a

1 S. URBANSKI

2 case like this, this would normally take
3 over such investigation.

4 Q. Okay, but by virtue of the fact
5 that you referred it to OSI, are you saying
6 that you did not have any subsequent direct
7 conversations with Palou and Deal; is that
8 correct?

9 A. You were a little broken up.
10 Can you repeat the question?

11 Q. Are you saying that by virtue
12 of the fact that the matter was referred to
13 OSI that you did not have any further
14 conversations with Palou and Deal about
15 this incident; is that correct?

16 A. Again, it's two and a half
17 years ago, but no. I don't recall after
18 the initial talk that we had to ascertain
19 facts and then the reporting of the
20 incident. We would have called OSI prior
21 to going any further.

22 Q. Now, I want to ask you some
23 questions about general procedure. Back in
24 2018, in August of 2018, when officers were
25 involved in a use of force with a prisoner,

1 S. URBANSKI

2 what was the procedure in effect as to
3 whether those officers would remain with
4 that prisoner after the use of force was
5 completed?

6 A. Well, within the facility, if
7 we have the ability to relieve them, they
8 would be relieved and staff will take over
9 the custody of the inmate.

10 Q. How about if the use of force
11 took place outside of the facility?

12 A. Outside of the facility, we do
13 not have the ability necessarily to relieve
14 them, and the initial report was that the
15 inmate acted out on this incident, and we
16 were looking to secure the inmate and
17 staff. And the way we do that would be to
18 bring them back to the facility.

19 Q. Just as a matter of
20 clarification though, why would officers
21 not be sent to Westchester to relieve the
22 officers who were involved in the use of
23 force rather than have those same officers
24 transport the prisoner back to Fishkill?

25 A. The ability -- so, we are

1 S. URBANSKI

2 talking a timeframe of relieving staff,
3 getting staff in a van, sending them down
4 to Westchester and then relieved and
5 brought back up, which puts the inmate out
6 in the community for an additional length
7 of time. The initial report in this
8 incident was that force was used to
9 restrain the inmate and secure him, so
10 bringing the inmate back was the avenue
11 that we decided to go.

12 Q. Do you know Tracey DeCosta?

13 A. She is my watch commander at
14 the facility, a lieutenant.

15 Q. So was she the watch commander
16 on August 31, 2018?

17 A. Off the top of my head, I don't
18 know.

19 Q. I want you to assume there has
20 been testimony that she was the watch
21 commander that day. Can you tell me what
22 her job duties as watch commander would
23 have been that day?

24 A. She runs the particular shift
25 in the jail. She is normally the tour two

1 S. URBANSKI

2 watch commander, so she runs the specifics
3 of the shift.

4 Q. What does that mean, to run
5 "the specifics of the shift?"

6 A. She will take use of force
7 reports, UI reports, if staff are needed
8 for escorts or anything else, she will give
9 direction to the normal day in and day out
10 running of the facility.

11 Q. And at that point, you said her
12 rank was lieutenant, correct?

13 A. I believe it was.

14 Q. Do you know what her current
15 rank is?

16 A. It's lieutenant.

17 Q. Did you speak with Lieutenant
18 DeCosta on August 31, 2018 about this
19 incident?

20 A. I'm sure I did.

21 Q. Okay. What conversations did
22 you have with her on August 31, 2018?

23 A. Again, it's two and a half
24 years ago. I really don't recall specifics
25 of the conversation, but with an incident

1 S. URBANSKI

2 like this, I would absolutely have
3 communication with the watch commander.

4 Q. Do you recall anything that was
5 said between you and Lieutenant DeCosta on
6 August 31, 2018 regarding the Stanbro
7 incident?

8 A. Not specifics. Again, because
9 of her position, if she was the watch
10 commander at the end of the day we would
11 definitely have had conversations. But as
12 far as specific conversations, it's been so
13 long, I do not recall them.

14 Q. When you first received this
15 communication from Westchester Medical
16 Center regarding this incident, were you
17 told that Mr. Stanbro was injured?

18 A. You know, I don't know. I
19 don't remember what the initial report was.
20 I know that they felt that the use of force
21 was unnecessary, but I don't recall if they
22 reported injuries or not.

23 Q. Now as deputy superintendent of
24 security, did you ever take it upon
25 yourself to make determination as to

1 S. URBANSKI

2 whether the use of force against Mr.
3 Stanbro on August 31, 2018 was appropriate?

4 A. I wasn't present for the use of
5 force. I see the paperwork. If the inmate
6 in fact acted out in the outside hospital
7 and staff had to use force to restrain him,
8 that would be appropriate. I didn't see
9 exactly how the inmate acted out, and I was
10 not there to see the amount of force the
11 staff used, so your question is one I don't
12 feel I can answer.

13 Q. Okay. Well, putting aside
14 whether use of force was appropriate, did
15 you ever come to a determination as to
16 whether the use of force was excessive?

17 A. Again, you're asking me a
18 question I can't answer. The initial
19 reports that I got, as I recall, did not
20 have additional staff involved in the
21 incident. So my issue with the incident
22 and why we turned it over to OSI for
23 additional investigation was the
24 information we originally received didn't
25 coincide with the information we got from

1 S. URBANSKI

2 the hospital, and at that point, we turned
3 it over to OSI, which would be our normal
4 chain for procedures.

5 Q. But you have since learned
6 additional information about this incident,
7 correct?

8 A. I have learned information.
9 For me to gauge the accuracy of it, I have
10 not read a final report from OSI or seen a
11 final report from OSI, so I would be
12 speculating on the authenticity of the
13 information I have. Is that a fair way to
14 describe it?

15 Q. Well, let me ask it this way.
16 As deputy superintendent of security of
17 Fishkill Correctional Facility, can you
18 tell me one way or the other whether you
19 have made a determination as to whether the
20 force that was used against Mr. Stanbro on
21 August 31, 2018 was excessive?

22 MS. COLLINS: Objection. You
23 can answer.

24 A. I already told you that. I
25 would have had to have been present to see

1 S. URBANSKI

2 that. For me to say anything else would be
3 me speculating. There was problems with
4 the report, and we turned it in because of
5 that. Specifically, the amount of staff
6 that was used or that were present, but the
7 force used, I don't know exactly how far
8 the inmate acted out, and I would be
9 speculating on that.

10 Q. So just so I'm clear, you do
11 not have an opinion one way or the other as
12 to whether the force that was used on Mr.
13 Stanbro was excessive; is that correct?

14 MS. COLLINS: Objection. You
15 can answer.

16 A. It would be speculation on my
17 part, and I try not to do that.

18 Q. Okay. Now, once Mr. Stanbro
19 was brought back from Westchester to the
20 RMU, did the procedure require that Officer
21 Deal and Palou who were involved in the use
22 of force immediately be relieved and taken
23 out of the presence of Mr. Stanbro?

24 A. They would be seen by medical,
25 and the RMU building is medical, so it's

1 S. URBANSKI

2 possible that they remained the in area to
3 be seen by medical. Any officer that's
4 involved in a use of force is observed by
5 medical staff. So it's possible they
6 remained in the area for a while to get
7 that accomplished.

8 Q. But at that point, procedure
9 requires that they no longer have custody
10 of Mr. Stanbro, correct?

11 MS. COLLINS: I am going to
12 object to the line of questioning as
13 outside of the scope of the
14 deposition subpoena, but you can
15 answer.

16 Q. Go ahead.

17 A. Can you repeat the question one
18 more time for me?

19 Q. So once officers are involved
20 in a use of force, was it the procedure at
21 Fishkill that those officers as soon as
22 possible would no longer have custody of
23 the prisoner?

24 A. We would make an effort to
25 relieve them, yes.

1 S. URBANSKI

2 Q. Okay. So upon Palou and Deal's
3 arrival back in Fishkill with Mr. Stanbro,
4 the procedure would be to have them
5 relieved by other officers, correct?

6 A. That would be normal procedure,
7 yes.

8 Q. Okay. And when a prisoner is
9 involved in a use of force incident, is the
10 procedure then to take him either to the
11 SHU or to the medical facility?

12 A. Yes. If an inmate is involved
13 in a use of force incident, they are seen
14 by medical.

15 Q. And would they be escorted to
16 medical by escort officers at that point?

17 A. Yes. Officers would escort him
18 to medical, and our SHU has medical in it
19 too, so if it's determined they are going
20 to SHU, we could bring them straight to SHU
21 and have medical see them there also.

22 Q. And in those circumstances
23 where an inmate is involved in a use of
24 force incident and is escorted to medical,
25 are those escorts typically videotaped?

1 S. URBANSKI

2 A. Not always. They --

3 Q. Okay. Under what -- go ahead.

4 A. Go ahead.

5 Q. Under what circumstances are
6 they videotaped?

7 A. Back in 2018, Fishkill did not
8 have body-worn cameras, so on a pre-planned
9 use of force the facility would send out a
10 handheld camera, and we would try to
11 videotape such an incident, but if the use
12 of force incident wasn't pre-planned, then
13 the escort could be done without the
14 camera.

15 Q. But the escort could be done
16 with handheld cameras as well, correct?

17 A. Excuse me, I didn't hear your
18 question.

19 Q. But the escort could be done
20 with handheld cameras as well, correct?

21 A. If it was a pre-planned use of
22 force, a camera would be present.

23 Q. Well, would a camera or could a
24 camera ever be present other than in
25 pre-planned uses of force?

1 S. URBANSKI

2 A. In 2018 when this took place,
3 the camera would be in the facility for a
4 pre-planned use of force, a videocamera.
5 If we have a use of force in an area, we
6 are not going to hold an inmate there and
7 not secure him or bring him to medical
8 attention due to waiting for a camera, so
9 the escort would be done immediately.

10 Q. Now, if someone wanted to
11 escort -- I'm sorry. If someone wanted to
12 videotape Mr. Stanbro being escorted from
13 the van into the RMU back in August of
14 2018, where would one get the handheld
15 camera to do that?

16 MS. COLLINS: Objection to the
17 question, but you can answer.

18 A. The watch commander's office
19 would have access to handheld video
20 cameras.

21 Q. Where was the watch commander's
22 office in relation to the RMU?

23 A. It's in the administration
24 building.

25 Q. And how far is the

1 S. URBANSKI

2 administration building from the RMU?

3 A. It's across the roadway and
4 slightly down a couple hundred yards.

5 Q. On August 31, 2018, did anyone
6 advise you of anything that happened with
7 Mr. Stanbro while in the RMU after his
8 return from Westchester?

9 A. I was informed eventually --
10 and I don't recall by who -- that Mr.
11 Stanbro had suffered an injury and as such,
12 he was not able to move.

13 Q. When did you first obtain that
14 information?

15 A. I don't recall the specifics.
16 Shortly after he arrived back at the
17 facility.

18 Q. But that was on August 31,
19 2018?

20 A. It would be the date of the
21 incident, yes.

22 Q. Okay. But did anybody tell you
23 of any events that took place inside of the
24 RMU with respect to Mr. Stanbro?

25 A. You're going to have to be more

1 S. URBANSKI

2 specific than that, sir.

3 Q. Well, Mr. Stanbro was escorted
4 from the van to the RMU based upon your
5 understanding, correct?

6 A. Yes. He was brought into the
7 RMU.

8 Q. Did anybody ever tell you
9 anything that happened with Mr. Stanbro
10 while in the RMU?

11 A. He was seen by medical.

12 Q. Okay. Anything else?
13 Generally, he was seen by medical?

14 A. They brought him into the RMU.
15 I believe they used a wheelchair, brought
16 him into the RMU. He was seen by medical,
17 at which point somewhere within that range
18 I was informed that he had an injury and
19 could not move and we were sending him to
20 an outside hospital. And I do believe it
21 was via ambulance.

22 Q. Did you ever have any
23 discussion with anyone at Fishkill
24 regarding the propriety of the decision to
25 bring Mr. Stanbro back to Fishkill after

1 S. URBANSKI

2 the use of force incident at Westchester?

3 A. I'm not sure if I truly
4 understand your question.

5 Q. Okay. Well, it is your
6 understanding, is it not, that Mr. Stanbro
7 was injured in this use of force incident
8 at Westchester Medical Center, correct?

9 A. Not initially.

10 Q. Sitting here today, you know
11 that Mr. Stanbro was injured at Westchester
12 Medical Center during this use of force
13 incident, correct?

14 A. Correct. But you are asking me
15 about August of 2018, and at that time, I
16 didn't.

17 Q. Okay. No, no, let me rephrase
18 that. Have you ever had a discussion with
19 anyone at Fishkill regarding whether it was
20 appropriate to bring Mr. Stanbro back to
21 Fishkill immediately after that use of
22 force incident at Westchester Medical
23 Center?

24 A. No. I don't believe I did.

25 Q. Have you overheard any

1 S. URBANSKI

2 discussions with anyone at Fishkill about
3 that particular issue?

4 MS. COLLINS: Objection. You
5 can answer.

6 A. No. I don't believe I have.

7 Q. Have you had any communication
8 with anyone at Westchester Medical Center
9 about the appropriateness of the decision
10 to return Mr. Stanbro to Fishkill after he
11 was injured, as opposed to treating him
12 right away at Westchester Medical Center?

13 A. I would not be the contact for
14 people at Westchester Medical Center. At
15 our facility, we have a regional medical
16 center, and with the regional medical unit
17 we have a deputy superintendent for health.
18 So the normal contact for Westchester
19 Medical Center would be deputy
20 superintendent of health, so if there was a
21 discussion there, I am not aware of it.

22 Q. Who was the deputy
23 superintendent of health back in August of
24 2018?

25 A. I'm not sure if it was Akinola

1 S. URBANSKI

2 Akinyombo or Angie Maume because I don't
3 remember the exact date of her retirement.

4 Q. Can you just spell both of
5 those name for the record, please?

6 A. A-N-G-I-E, I believe is the
7 first name, Angie. Maume is M-A-U-M-E, and
8 I will provide the correct spelling for
9 Akinyombo because I don't want to give you
10 a butchered spelling. Akinyombo is
11 A-K-I-N-Y-A-M-B-O [sic], I believe.

12 Q. What was your understanding as
13 to whose decision it would have been on
14 August 31, 2018 whether to bring Mr.
15 Stanbro back to Fishkill after he suffered
16 his injury or for him to remain at
17 Westchester to be treated for this injury?

18 MS. COLLINS: I'm going to
19 object to the question. I'm going to
20 object to the continuance of this
21 line of questioning as well for the
22 record. You can answer.

23 A. Well, initially, again, we did
24 not have the report of inmate Stanbro
25 suffering any kind of severe injury, and

1 S. URBANSKI

2 again, to protect the inmate and the public
3 in a situation where an inmate is acting
4 out in public, we would bring them back to
5 the facility. So the initial report was
6 received, and either the watch commander or
7 I -- I might have made it that day -- made
8 the determination to bring the inmate back.
9 There was no -- at that time, we had no
10 information about any kind of significant
11 injury.

12 MS. COLLINS: Can I just ask to
13 take a very, very short break? I
14 need to attend to a personal issue.

15 MR. SIVIN: Sure.

16 (Whereupon, a short recess was
17 taken.)

18 MR. SIVIN: Are we back?

19 MS. COLLINS: Yes.

20 Q. Deputy, what was your
21 understanding back in August of 2018 as to
22 whether there was a disagreement -- I'm
23 sorry. If there was a disagreement between
24 DOCCS and the medical facility as to
25 whether the prisoner should be discharged

1 S. URBANSKI

2 from the facility and brought back to the
3 prison, who would have the authority to
4 make that decision? Whose decision would
5 take precedent over the other? Did you
6 have an understanding of that back in
7 August of 2018?

8 MS. COLLINS: I'm going to
9 object to that. There's a few
10 questions in there, Mr. Sivin. Maybe
11 we want to break it down.

12 MR. SIVIN: Let's see if he can
13 answer as is, if not, I'll try to
14 break it down

15 MR. FITCH: I'll just note my
16 objection to the form also.

17 MS. WEIS: Objection to the
18 form.

19 A. So the inmate was at
20 Westchester Medical Center for a dental
21 procedure. He acted out, staff used force
22 to secure him. At that point, the
23 information we had from Westchester was
24 that they were terminating that procedure.
25 Not that they required additional care,

1 S. URBANSKI

2 that they were terminating the procedure.

3 If the procedure was terminated, at that
4 point, we look to secure the inmate who was
5 acting out in the public and bring him back
6 to the facility. So that was the
7 information we had initially.

8 Q. Had Fishkill been advised that
9 Mr. Stanbro required additional medical
10 care, would it have been appropriate to
11 bring him back to Fishkill without him
12 getting additional medical care?

13 MS. COLLINS: Objection.

14 MR. FITCH: Just note my
15 objection also.

16 MS. WEIS: Objection.

17 A. If we had information prior to
18 him being in the van leaving that medical
19 staff felt that he needed medical care, we
20 would have directed staff to take him for
21 medical care.

22 Q. How about in the event of a
23 disagreement? Westchester says yeah, he
24 needs additional medical care and DOCCS
25 says no, we need him back at the facility.

1 S. URBANSKI

2 Whose vote would prevail in that event?

3 MS. COLLINS: Objection. You
4 can answer.

5 A. I'm not a doctor, so if a
6 doctor is telling us he needed additional
7 care, if I had a question about it, I may
8 have asked my dep of health. But again, if
9 an outside doctor with the inmate says he
10 needs additional care, we would normally
11 err on the side of caution.

12 Q. And when you say "dep of
13 health," is the full title deputy
14 superintendent of health?

15 A. Yes.

16 Q. Was the deputy superintendent
17 of health consulted at all before Mr.
18 Stanbro was brought back to Fishkill from
19 Westchester Medical Center?

20 MS. COLLINS: Objection, you
21 can answer.

22 A. I don't believe we had any
23 indication at the time that inmate Stanbro
24 needed additional medical care, so no. I
25 don't believe he was.

1 S. URBANSKI

2 Q. I want you to assume that
3 Officer Palou testified that before
4 bringing Mr. Stanbro back to Fishkill, Mr.
5 Stanbro was complaining that he had no
6 feeling in his legs. Under those
7 circumstances, do you believe it was
8 appropriate to bring Mr. Stanbro back to
9 Fishkill?

10 MS. COLLINS: Objection. You
11 can answer.

12 A. I have already testified, sir,
13 that we did not have any information to
14 that effect, so why would I speculate on
15 this?

16 Q. Okay. That's why I am asking
17 you to get outside the realm of
18 speculation. I am asking you to assume
19 something that is true, that Officer Palou
20 testified that she communicated with
21 Fishkill and said Stanbro says he has no
22 feeling in his legs --

23 MS. COLLINS: I am objecting to
24 this question, Mr. Sivin. There is
25 no evidence --

1 S. URBANSKI

2 MR. SIVIN: Please do not
3 interrupt me. You can put your
4 objection after I ask the question.

5 MS. COLLINS: Okay, I thought
6 you were done. Continue.

7 MR. SIVIN: I obviously wasn't
8 done. I was in mid-sentence.

9 Q. I want you to assume that
10 Officer Palou testified that she
11 communicated with Fishkill and told
12 Fishkill that Mr. Stanbro was complaining
13 that he had no feeling in his legs. Under
14 those circumstances, assuming that's true,
15 under those circumstances was it
16 appropriate to bring Mr. Stanbro back to
17 Fishkill?

18 MS. COLLINS: Objection.

19 A. So I didn't have that
20 information that you want me to subject
21 that Officer Palou made. So the
22 information or the decision to bring him
23 back was to bring him back. We did not
24 have the information that you are alleging
25 that Officer Palou testified to. But if an

1 S. URBANSKI

2 inmate was reporting that he could not feel
3 his legs and Westchester Medical Center
4 said he needed additional care, we would
5 have erred on the side of caution and he
6 would have received additional care.

7 Q. Okay. Were there any video or
8 surveillance cameras posted outside of the
9 RMU on August 31, 2018?

10 A. The RMU building has no camera
11 system attached or associated with it.

12 Q. And was that the case also back
13 in August of 2018?

14 A. Yes, sir.

15 Q. Okay. How about a video system
16 whereby you could look at a monitor and see
17 somebody entering the RMU?

18 A. I don't believe -- I am just
19 trying to -- in the interior of the fence
20 line there would be no cameras. There is
21 one camera for an electronic gate there, so
22 there should be a camera associated with
23 the electronic gate, but it is not a
24 recording camera.

25 Q. Okay. Now, did you come to

1 S. URBANSKI

2 learn that after Mr. Stanbro was returned
3 to the RMU he was then brought by ambulance
4 to an outside hospital?

5 A. Yes.

6 Q. And did you come to learn that
7 this escort to the outside hospital was
8 videotaped?

9 A. Yes. I ordered the
10 videotaping.

11 Q. To whom did you give that
12 order?

13 A. I would probably have given it
14 to the watch commander, but specifically
15 who I gave it to that day I don't recall.
16 Sergeant Carreras was the supervisor sent
17 on it and he was given the direction.
18 Whether it came specifically for him or the
19 watch commander, I don't recall.

20 Q. I'm sorry, what was Sergeant
21 Carreras' role that day?

22 A. He was a supervisor that we
23 sent on the trip.

24 Q. Why did you order that the
25 escort from the RMU to the outside hospital

1 S. URBANSKI

2 be videotaped?

3 A. Well, we became aware of the
4 significance of his injury. The hospital
5 had sent information that they had
6 questioned the need for the use of force,
7 and at that time I felt it was appropriate
8 to send a supervisor and a videocamera on
9 the medical trip.

10 Q. And was it your understanding
11 that that videotape was required to be
12 preserved?

13 A. It should be, yes.

14 Q. Did you ever have any
15 discussions with Sergeant Carreras
16 regarding his observations of Mr. Stanbro?

17 A. Observations in regards to?

18 Q. Any observations he had of Mr.
19 Stanbro.

20 A. Not that I specifically
21 remember. I may have.

22 Q. Have you ever viewed the
23 videotape of the escort from the RMU to the
24 outside hospital?

25 A. I believe I did, yes.

1 S. URBANSKI

2 Q. How many times did you review
3 that videotape?

4 A. I don't recall.

5 Q. Was it more than once?

6 A. Once, I would imagine.

7 Q. Give me just a general
8 timeframe as to when you reviewed that
9 videotape.

10 A. It would have been shortly
11 after the incident, Probably the next day
12 because he went to the hospital later that
13 evening. I would have eventually left the
14 facility, so the next day, the day after.

15 Q. What was your purpose of
16 viewing that videotape?

17 A. It's part of my job.

18 Q. Do you view all or do you
19 review all videotapes of escorts of
20 prisoners to outside hospitals?

21 A. Myself or the -- no. Whenever
22 there is an unusual incident or a use of
23 force when a video is taken, either myself
24 or my captains review the video.

25 Q. And did this tape also have

1 S. URBANSKI

2 audio?

3 A. It would have.

4 Q. Tell me what you recall seeing
5 on the videotape.

6 A. I don't recall.

7 Q. Do you recall --

8 A. It would have been the inmate
9 being brought to the van and into the van
10 to the hospital, but the specific video, I
11 don't recall it.

12 Q. Do you recall what Mr. Stanbro
13 appeared like in the videotape?

14 A. The picture in the UI packet is
15 more specific to what I remember. That he
16 could not move his lower extremities. It
17 looked like he was in a little bit of
18 discomfort or in discomfort.

19 Q. What did you see or hear that
20 lead you to believe that he was in
21 discomfort?

22 A. Just the way he was acting.

23 Q. How was he acting?

24 A. Again, he was -- I don't know
25 how to describe it. He appeared to be in

1 S. URBANSKI

2 discomfort.

3 Q. Was he crying?

4 A. I don't recall.

5 Q. Was he screaming out in pain?

6 A. Sir, I don't recall. I
7 remember the pictures especially from the
8 UI packet looked like he was in discomfort,
9 but whether he was crying or screaming in
10 pain, I don't recall.

11 Q. Now, when you say the pictures
12 from the UI packet, are you referring to
13 pictures of him in the Stryker chair?

14 A. Yes.

15 Q. I would like you to take a look
16 at Exhibit 23, which consists of two pages
17 and four photographs. Are those the
18 photographs you just referred to?

19 A. Yes.

20 Q. And when you observed the
21 videotape of Mr. Stanbro's escort from the
22 RMU to the hospital, did he appear in the
23 same condition that's depicted in these
24 photographs?

25 A. He was obviously not in a

1 S. URBANSKI

2 Stryker chair, but he appeared similarly in
3 discomfort.

4 Q. Now, you say his legs were not
5 moving. Did you see his arms moving at any
6 time in the videotape?

7 A. Sir, I reviewed the video
8 almost three years ago. I don't remember
9 the specifics of the video. Like I said
10 previously, the photos of him in the
11 Stryker chair are what stick in my memory
12 the best.

13 Q. In the videotape, did Mr.
14 Stanbro appear conscious to you?

15 MS. COLLINS: Objection. You
16 can answer.

17 A. I don't recall if he was
18 conscious the entire video or not.

19 Q. Do you recall if he was
20 conscious at any point in the video?

21 MS. COLLINS: Objection. You
22 can answer.

23 A. I believe he was.

24 Q. And what did you see or hear
25 that led you to believe he was conscious

1 S. URBANSKI

2 for a portion of the time that's depicted
3 in the video?

4 MS. COLLINS: Objection. You
5 can answer.

6 A. I already testified I really
7 don't recall most of the video. It's a
8 three-year gap since I reviewed it. I do
9 remember these photos specifically, because
10 they are part of my UI packet and I have
11 reviewed it a couple times since then, but
12 the specifics of the video, I am not going
13 to give you a lot of information on. I do
14 not recall them.

15 Q. Do you recall one way or the
16 other whether his eyes were open in the
17 video?

18 A. Sir, I don't recall the
19 specifics. I am not going to be able to
20 answer that for you.

21 Q. Do you recall anything that Mr.
22 Stanbro said in the video?

23 A. No, I don't.

24 Q. Do you recall anything that
25 anyone else said in the video?

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2 A. No, I don't.

3 Q. Now, do you know Officer
4 Richard Landry?

5 A. Not specifically, no.

6 Q. Have you ever met him?

7 A. I'm sure I have.

8 Q. Do you have a recollection of
9 ever meeting officer Richard Landry?

10 A. No. If he is a Fishkill
11 employee, I am sure I met him, but
12 specifically him off of the top of my head
13 -- I have 850 employees at the facility,
14 sir. I don't know everybody by name and
15 face.

16 Q. Well, let me take away a little
17 of the mystery. Officer Landry is one of
18 the officers from Greene who was involved
19 in the use of force.

20 A. Then no, I don't believe I know
21 him.

22 Q. Okay. How about the officer
23 who is Christopher Leonardo?

24 A. I don't believe I have ever met
25 him either.

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2 Q. Okay. Do you know what the
3 current status of the OSI investigation
4 into this incident is?

5 A. No, I don't.

6 Q. Is there a person in OSI with
7 whom you have been in contact that you
8 understand is in charge of this
9 investigation?

10 A. We send the information up and
11 ask them to investigate it that we feel
12 that there is issues with the incident.
13 And then as far as who it's assigned to,
14 the investigator itself will send down
15 sometimes the request for information. Who
16 the investigator was, I don't recall at
17 this point. And it's not common practice
18 for OSI to send down a completed
19 investigation for review.

20 Q. When is the last time you have
21 spoken with anyone at OSI regarding this
22 incident?

23 A. I don't recall, but it hasn't
24 been recently.

25 Q. Okay. Now, I am going to ask

1 S. URBANSKI

2 you some questions about an affidavit that
3 you signed on April 20th of 2021. Do you
4 have a hardcopy of that affidavit with you?

5 A. Yes, I do.

6 Q. Okay. And this has been marked
7 as I believe Exhibit 37.

8 MR. SIVIN: I don't think I am
9 going to bother putting it up on the
10 screen. Does everyone have a
11 hardcopy? It may be easier that way.

12 MR. FITCH: Yes.

13 Q. Okay. Deputy, I would like you
14 to go to page two, specifically
15 paragraph five. And do you see in that
16 paragraph where you list the identities of
17 the security team that accompanied Mr.
18 Stanbro to Saint Luke's Hospital?

19 A. Yes.

20 Q. Okay. Now, the first name you
21 mentioned is Sergeant Carreras. I
22 apologize, I don't remember if you told me.
23 What is his first time?

24 A. John.

25 Q. And is he still in Fishkill?

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2 A. Yes. He is currently a
3 lieutenant now.

4 Q. Can you just give me his
5 general physical description as it existed
6 on August 31, 2018?

7 A. About five-foot, I would guess
8 eight, black hair, he's Hispanic in
9 descent, slightly heavyset.

10 Q. And the next name is C.O. Toro,
11 T-O-R-O. What is Officer Toro's last name?

12 A. I don't know.

13 Q. Is he still employed as an
14 officer at Fishkill?

15 A. I believe so.

16 Q. Can you describe what he looked
17 like back in August of 2018?

18 A. No, I can't.

19 Q. How about C.O. Montross,
20 M-O-N-T-R-O-S-S? Do you know his first
21 name?

22 A. No, I don't.

23 Q. Is he still employed as an
24 officer at Fishkill? I don't know if you
25 got that last question. Is he still

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2 employed as an officer at Fishkill,
3 Montross?

4 A. Yes.

5 Q. And what did he look like back
6 in August of 2018?

7 A. He is a taller, white male
8 officer with kind of like sandy, brownish
9 blond hair.

10 Q. And then last is C.O. Denbaum,
11 D-E-N-B-A-U-M. Do you know his first name?

12 A. No.

13 Q. Is he still employed as an
14 officer at Fishkill?

15 A. I think so.

16 Q. And what did he look like back
17 in August of 2018?

18 A. Again, I couldn't tell you.

19 Q. Have you spoken with Sergeant
20 Carreras, C.O. Toro, C.O. Montross, or C.O.
21 Denbaum as to any observations they made of
22 Mr. Stanbro while en route to Saint Luke's
23 Hospital?

24 A. No. I don't recall doing that,
25 no.

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2 Q. Where did the video start?

3 Where did it begin?

4 A. I believe it started at the RMU
5 when they were bringing the inmate to the
6 ambulance, if I recall right.

7 Q. Do you recall if the video
8 depicted Mr. Stanbro being placed on a
9 stretcher?

10 A. Again, I don't remember
11 specifics. He would have been on a
12 stretcher going to the ambulance, but
13 whether it contained him being placed on
14 it, I don't recall.

15 Q. When you had your conversation
16 with Officer Deal, did he mention whether
17 he was injured at all during the use of
18 force incident?

19 MS. COLLINS: Objection to this
20 line of questioning for the same
21 reasons indicated before, but you can
22 answer.

23 A. "He" would be meaning who?

24 Q. Officer Deal.

25 A. Whether Officer Deal was

1 S. URBANSKI

2 injured?

3 Q. Yes.

4 A. There would be an accident
5 report, but I don't recall off the top of
6 my head. I believe he went out on injury,
7 so he probably was.

8 Q. When an officer is involved in
9 a use of force and reports or complains of
10 injuries as a result of the use of force,
11 is it a requirement or was is it a
12 requirement that photographs be taken of
13 him?

14 A. It's not unheard of.

15 Q. Okay. I understand it's not
16 unheard of, but was it also a requirement
17 in the DOCCS directives that photographs be
18 taken?

19 A. There is no requirement that we
20 photograph staff injuries. It is normal
21 practice, but there is no requirement.

22 Q. All right. Now, I would like
23 to discuss the maintenance and custody of
24 the videotape that was taken of the
25 transport from the RMU to Saint Luke's.

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2 Paragraph seven, the third sentence of your
3 affidavit reads as follows, "any videos
4 accompanying these files are stored on
5 electronic storage devices, which are then
6 stored in a secured room off the watch
7 commander's office within the security
8 suite." Now, what did you mean by
9 "electronic storage devices?"

10 A. Our videos are normally
11 transferred to a DVD, so a DVD. Back in
12 earlier days, it was a VHS tape that would
13 be stored.

14 Q. When you say "earlier days,"
15 how about August 31, 2018? Would the
16 videos be transferred onto a DVD or some
17 other device?

18 A. I believe it would be DVD.

19 Q. And then you indicated that
20 they are stored in a secured room off the
21 watch commander's office. Was this a room
22 that was devoted exclusively to these
23 storage devices, these electronic storage
24 devices, or did this room contain something
25 else as well?

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2 A. The room contains the -- how do
3 I describe it -- the equipment for the CCTV
4 camera systems that this facility does
5 have. So there's hard drives and computer
6 equipment related to the camera systems.

7 Q. And how are the DVDs actually
8 stored? Are they put in a box, or an
9 envelope, or something else?

10 A. They are labeled, they're
11 placed in a sleeve, and then they're stored
12 in a locked cabinet within that room.

13 Q. And how are they separated?
14 In other words, how does somebody gain
15 access to them? If I wanted to find out a
16 DVD for a particular date, are they in
17 sub-folders, or how does that work?

18 A. They are given a number and the
19 number corresponds to the day of the video.
20 And it's just by year normally, so in 2018
21 the first video would be 00118.

22 Q. Now, further on in this
23 paragraph you state as follows, "after
24 that, the UI/UOF files are moved to an
25 archived storage area in another part of

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2 the facility." Now, by that did you mean
3 that the electronic storage devices are
4 also moved to this other part of the
5 facility?

6 A. Nothing from the year 2018
7 would be moved. We have a -- it would take
8 -- eventually, the UI use of force reports,
9 which are the hardcopies are moved down in
10 storage, but 2018 is too recent and new to
11 be moved. They are still stored in my
12 office or just outside of my office.

13 Q. After how many years would they
14 be moved to the other site?

15 A. I believe it's the fifth year
16 we move them. I would have to check with
17 my secretary.

18 Q. But in any event, when you say
19 the files are also moved to electronic
20 storage, would that include the electronic
21 storage devices?

22 A. The videos are held longer
23 because they take up far less room and are
24 obviously much smaller.

25 Q. So the video of this particular

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2 incident should still be in the secured
3 room off the watch commander's office; is
4 that correct?

5 A. Yes.

6 Q. Was there a practice and
7 procedure back in August of 2018 regarding
8 the chain of custody of these escort
9 videos? In other words, after Stanbro is
10 taken to the hospital and the video is
11 done, what is supposed to be done with that
12 video?

13 A. They get placed onto a DVD
14 format. The DVD would get forwarded to my
15 secretary's office, and then it would be
16 placed into the storage.

17 Q. And this particular case, was
18 the video transferred onto a DVD?

19 A. I believe so.

20 Q. Was the DVD then sent to your
21 secretary?

22 A. Unfortunately, we can't find
23 the DVD now, so I don't know for certain.

24 Q. Where were you when you viewed
25 this DVD?

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2 A. I believe I viewed it in the
3 security suite area.

4 Q. Do you recall how you retrieved
5 the DVD, where you got it from?

6 A. When I reviewed it, it was
7 still on the camera on the handheld video
8 screen I was watching it.

9 Q. So you actually looked at the
10 camera and played it for yourself on the
11 camera; is that correct?

12 A. Yes. The cameras are much
13 smaller, but yes, on the 2x2 screen.

14 Q. Did you ever again view the
15 videotape after it was transferred onto the
16 DVD?

17 A. No. I believe the only time
18 that I reviewed it was when it was on the
19 camera.

20 Q. Now, was there a procedure in
21 effect back in August of 2018 as to what
22 should be done with copies that are made of
23 the DVD?

24 MS. COLLINS: Objection, but
25 you can answer.

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2 A. I don't know. I'm not sure I
3 understand your question.

4 Q. Well, let's say somebody wanted
5 a copy of the DVD. What would the
6 procedure be? How would you go about
7 making a copy?

8 A. We would withdraw it from the
9 archives and we would burn a copy and put
10 the original back in the archives, and then
11 forward a copy to the requesting person or
12 entity if they were authorized to have it.

13 Q. Where would you burn that copy?
14 Where would that be done?

15 A. Normally, in the video room
16 they would use the equipment.

17 Q. But in any event, any time a
18 copy is made, the procedure would be to
19 return the original back to the archive
20 storage area -- I'm sorry -- to the secured
21 room off the watch commander's office?

22 A. Yes.

23 Q. I would like you to go to
24 paragraph 10 of your affidavit. Actually,
25 before I go any further, Exhibit 37, the

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2 four-page document, that's an affidavit
3 that you generated and signed on April 20,
4 2021, correct?

5 MS. COLLINS: Objection, but
6 you can answer.

7 A. Yes.

8 Q. So the first sentence of
9 paragraph 10 reads as follows, "in order to
10 ensure the video pertaining to this
11 incident was not incorrectly filed, my
12 staff and I at my direction also reviewed
13 the actual electronic content of the
14 storage devices at or around the date of
15 the August 31, 2018 incident to see if the
16 storage device had been mislabeled." Did I
17 read that correctly?

18 A. Yes.

19 Q. How far outside of August 31,
20 2018, did you look to locate, to try to
21 locate the DVD?

22 A. A couple days each side of the
23 incident.

24 Q. By "couple," do you mean two?

25 A. No, more than that. Probably

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2 about five or six.

3 Q. Okay.

4 A. There were none -- they were
5 all perfectly labeled.

6 Q. And paragraph 12 reads as
7 follows, "I have also spoken to Lieutenant
8 (at that time Sergeant) Carreras who
9 accompanied plaintiff during this transport
10 to Saint Luke's. Lieutenant Carreras
11 confirmed that a handheld camera had been
12 taken on this transport. He further
13 informed me that to the best of his
14 recollection the video camera battery had
15 died at some point after they left
16 Fishkill." Did I read that correctly?

17 A. Yeah, that's correct.

18 Q. Okay. Now, in that first
19 sentence when you said, "I have spoken with
20 Lieutenant Carreras," when did you have
21 this conversation with Lieutenant Carreras?

22 A. Recently, within the last month
23 or so there was a -- the copy of the video
24 was requested. The facility was not able
25 to locate the video, so I confirmed with

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2 Lieutenant Carreras, then Sergeant
3 Carreras, that the direction was followed
4 and the video camera went out, which he
5 confirmed.

6 Q. So this conversation happened
7 within the last couple of weeks?

8 A. Within the last month or two.
9 The exact date I don't recall.

10 Q. Before the recent conversation
11 with Lieutenant Carreras, had you ever been
12 advised from any source that the battery in
13 the video camera had died at some point
14 after the officers left Fishkill?

15 A. I believe the battery's got a
16 certain lifespan. I believe when the
17 battery died, it was actually when the
18 inmate -- somewhere along the way when the
19 inmate was being transferred from Saint
20 Luke's to Westchester, I believe, if I am
21 not mistaken. It wasn't like they left the
22 facility and then the battery died 10
23 minutes later. It lasted an appropriate
24 period of time.

25 Q. But my question is, before this

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2 recent conversation with Carreras, had you
3 ever been advised by any source that the
4 battery had died at some point after they
5 left Fishkill?

6 A. I probably was, but do I recall
7 being told so? No, I don't.

8 Q. Other than this affidavit that
9 you signed, is there any written report,
10 memo, or other documentation of that
11 battery having died at some point?

12 MS. COLLINS: Objection, but
13 you can answer.

14 A. If there is, it would be in the
15 UI packet.

16 Q. Now, tell me again, I am not
17 sure I understood that clearly. When were
18 you advised or when did Carreras tell you
19 that the battery died? At what point
20 during the transport?

21 A. Are we talking our recent
22 conversation, or are you talking about on
23 the date of the incident? Because there is
24 two. Recently, when him and I talked, he
25 actually went back and talked to officers

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2 and that's when he reminded me that the
3 battery had died and that I believe it was
4 while they were on their way or just prior
5 to them going to Westchester. Now, was I
6 informed of that back in 2018? I might
7 have been, but I don't recall it.

8 Q. All right, so let me just clear
9 this up. It's your understanding that
10 Stanbro was taken from Fishkill to Saint
11 Luke's and then from Saint Luke's to
12 Westchester, correct?

13 A. I believe the second hospital
14 was Westchester, that's my best
15 recollection.

16 Q. But it is your understanding
17 that the battery died in between Saint
18 Luke's and that second hospital?

19 A. I believe so. He told me the
20 battery died. They were at Saint Luke's
21 for a period of time, and it died I believe
22 it was during either at Westchester or
23 during the movement to Westchester.
24 Lieutenant Carreras would be able to
25 confirm that for you.

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2 Q. And you said that Lieutenant
3 Carreras reminded you of this, so are you
4 indicating that on the day of the incident
5 he also told you that the battery had died
6 at some point?

7 A. Reminded me, as in when we last
8 spoke that it had happened.

9 Q. Okay. So you had more than one
10 conversation with Carreras about the issue
11 with the battery?

12 A. No. I use "remind" as he told
13 me, so he told me a month -- when we had
14 the conversation within the last month or
15 so that he informed me that just as a
16 reminder. Now, did he tell me years ago?
17 When I use "remind," that he informed me
18 that the battery went dead while it was in
19 an outside hospital.

20 Q. Now, as a matter of procedure,
21 had the battery not died, would the
22 videotape include everything that occurred
23 with Mr. Stanbro between the time he left
24 Fishkill until the time he arrived at
25 Westchester or something else?

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2 A. The purpose of why I authorized
3 the camera to go on this was there
4 obviously was a use of force that details
5 did not seem to add up on. So the camera
6 was to ensure that during the transport
7 from the facility to the hospital that --
8 just to have a video record of it. Once
9 the inmate was in the outside hospital and
10 there's medical staff there and everything
11 else, the video purpose for me as part as
12 of my security point of it really wasn't --
13 there was other people there to witness
14 interactions with the inmate and staff, so
15 it was the interaction from the facility to
16 the hospital. And the inmate was
17 transported by ambulance. But whenever we
18 have an incident like this when there is
19 unusual circumstances, we try to video it.

20 Q. So the videotape would include
21 all periods where the inmate is in the
22 custody of DOCCS officers, correct?

23 A. That would be when we recorded
24 the inmate, when we started the video.
25 Can we just take one break?

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2 (Whereupon, a short recess was
3 taken.)

4 Q. Deputy, do you know who the
5 videographer was for this escort, which of
6 the officers actually did the videotaping?

7 A. It might be in the UI packet,
8 but no. I don't know off the top of my
9 head.

10 Q. Okay. And just one more
11 question on this, and then we will move on.
12 Have you seen any documentation at all that
13 the battery died at some point after the
14 officers left Fishkill?

15 A. I would have to check the UI
16 packet. If I had received documentation,
17 it would be on the report in the packet.

18 Q. Well, do you recall ever seeing
19 such documentation?

20 A. I don't specifically recall,
21 but there is an absolute possibility that
22 Sergeant Carreras recorded it and the
23 packet might say it.

24 Q. So if it's documented, it would
25 be in the UI packet, correct?

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2 A. It should be, yes.

3 Q. All right. Let's go onto
4 paragraph 13. The first sentence reads as
5 follows, "I also reached out the DOCCS
6 bureau of labor relation, BLR, because I
7 recalled that files pertaining to the
8 August 31, 2018 incident had been sent to
9 that office upon its request." Did I read
10 that accurately?

11 A. Yeah.

12 Q. Okay. Now, when did you reach
13 out to BLR regarding this matter?

14 A. About -- within the last month
15 or so.

16 Q. And with whom did you speak at
17 BLR?

18 A. Matt Bloomingdale. He is the
19 assistant director.

20 Q. And you say you reached out
21 because you recalled that the file was sent
22 to BLR. Tell me exactly what you recall
23 about the files having been sent to BLR.

24 A. The lab relations was involved
25 in this in regards to the staff

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2 involvement, so there were -- the copies of
3 the reports and everything would have been
4 filed and sent to them. So as a result, we
5 reached out to them to see if they had
6 forwarded a copy of the original video.
7 Initially, they believed they were, but
8 they did not have a copy.

9 Q. But do you recall that the
10 files were actually sent to BLR?

11 A. Do I recall if the video was
12 sent to BLR? No, I don't.

13 Q. No, the files.

14 A. Yes. The paperwork was sent to
15 BLR.

16 Q. And did you participate in
17 sending those files to BLR?

18 A. My office would. I don't
19 directly do it. The request would come
20 through me, and then my secretary normally
21 would do the scanning of the requested
22 documents.

23 Q. Do you know if the videotape or
24 a copy of the videotape was included in the
25 files that were sent to BLR?

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2 A. I already said no, sir. I
3 don't remember if it was or not.

4 Q. But in any event, if the
5 videotape was sent to BLR, would the
6 procedure be to burn a copy and maintain an
7 original at the facility?

8 A. Yes.

9 Q. All right. Then it goes on in
10 this paragraph to say that "assistant
11 director Michael Bloomingdale" --

12 A. It's Matt Bloomingdale, for the
13 record.

14 Q. In the affidavit it says
15 "Michael Bloomingdale," correct?

16 A. Yes. It's a typo. It's Matt.

17 Q. Okay. Mr. Bloomingdale
18 informed you that he recalled that his
19 office did receive the video. So Mr.
20 Bloomingdale told you that?

21 A. He believed that they did is
22 what they told me.

23 Q. Did he tell you whether he
24 received the original or a copy?

25 A. What he told me is he believed

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2 they received the video. He would not know
3 if it was an original or a copy.

4 MS. WEIS: I'm sorry. I think
5 I just lost everyone again. The last
6 question and answer was very choppy.

7 MR. SIVIN: Victoria, could you
8 read those back for her?

9 (Whereupon, the referred to
10 question and answer was read back by
11 the Reporter.)

12 Q. The next sentence says, "I
13 understand from Assistant Director
14 Bloomingdale that he believes that the
15 video was sent to the New York State
16 Correctional Offices and Police Benevolence
17 Association Inc. Union." Did I read that
18 correctly?

19 A. Yes.

20 Q. Is this what Mr. Bloomingdale
21 told you?

22 A. Yes.

23 Q. Now, the video that he believes
24 was sent to the union, do you know whether
25 that was the same video you sent to him or

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2 whether it was a copy that he made?

3 A. You would have to ask Mr.
4 Bloomingdale, I don't know.

5 Q. Okay. But he did not tell you
6 one way or the other, correct?

7 A. He told me that he believed a
8 copy of the video was sent. I don't know
9 if he meant the copy I sent or if he made
10 another one. Again, you would have to ask
11 him.

12 Q. Now, who is or what is New York
13 State Correctional Offices and Police
14 Benevolence Association Inc. Union?

15 A. It is the union for the
16 correction officers.

17 Q. So that union represents
18 Officers Deal and Palou, correct?

19 MS. COLLINS: Objection, you
20 can answer.

21 A. Yes.

22 Q. And in this lawsuit there are,
23 also named as defendants, the other
24 officers involved in the use of force,
25 Officer Leonardo and Landry. Does the

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2 union represent them as well?

3 MS. COLLINS: Objection, you
4 can answer.

5 A. They're correction officers, I
6 would believe they are.

7 Q. And correctional Sergeant
8 Enrique Torres is also named as a defendant
9 in this case, so the union represents
10 Sergeant Torres as well, correct?

11 A. Yes.

12 Q. And then the last sentence in
13 paragraph 13 reads as follows, "he informed
14 me that he would reach out to the union to
15 determine if they had a copy, but I have
16 not yet heard back from him." Did I read
17 that correctly?

18 A. Yes, sir.

19 Q. Have you since heard back from
20 Mr. Bloomingdale to determine whether or
21 not the union has a copy?

22 A. Yes.

23 Q. And what did you find out?

24 A. They do not have a copy.

25 Q. I'm sorry?

1 S. URBANSKI

2 A. They reported not having a
3 copy.

4 Q. Did the union, according to Mr.
5 Bloomingdale, acknowledge that they had
6 received a copy?

7 A. You would have to ask Mr.
8 Bloomingdale.

9 Q. Well, what did Mr. Bloomingdale
10 tell you about that, if anything?

11 A. He didn't. You would have to
12 ask Mr. Bloomingdale.

13 Q. After you signed this April 20,
14 2021 affidavit, what additional steps, if
15 any, did you take to try to locate the
16 videotape?

17 A. I took all steps available to
18 us prior to me signing this.

19 Q. No, no, no. I am asking after
20 you signed this. So in the 14 days or so,
21 two weeks or so after you signed this, what
22 additional steps, if any, did you take to
23 attempt to locate the videotape?

24 A. There were no additional steps
25 to take. I took all steps prior to signing

1 S. URBANSKI

2 this to locate the video.

3 Q. What additional steps, in any,
4 did any other officials at Fishkill or
5 DOCCS take to locate this videotape after
6 you signed this affidavit on April 20,
7 2021?

8 MS. COLLINS: Objection. You
9 can answer.

10 A. Mr. Bloomingdale reached out to
11 the union to confirm whether or not they,
12 in fact, received a copy or not. But
13 again, as of April 20th, all steps possible
14 were taken.

15 MR. SIVIN: Okay. Why don't we
16 just take a couple minute break?

17 (Whereupon, a short recess was
18 taken.)

19 Q. Deputy, I just want to clarify
20 a couple of issues we discussed earlier.
21 Did you ever come to learn who at
22 Westchester Medical Center complained to
23 Fishkill that the force that was used
24 against Mr. Stanbro was unnecessary?

25 A. I believe it was staff that was

1 S. URBANSKI

2 present for the procedure, but today I
3 don't remember their names.

4 Q. What makes you believe that it
5 was the staff present for the procedure who
6 made that complaint?

7 A. They would have seen the
8 incident.

9 Q. And was this a conversation
10 that you had directly with staff?

11 A. No. With Westchester staff you
12 mean?

13 Q. Yeah.

14 A. Yeah, no.

15 Q. So this was something that you
16 learned secondhand?

17 A. The report came through. I
18 don't remember, again, specifically where
19 it was. But I did not report or speak to
20 anyone, the dentist or any of his staff
21 that were there.

22 Q. Okay. Now, did you thereafter
23 take any steps to try and identify who this
24 eyewitness was who complained that
25 unnecessary force was being used again Mr.

1 S. URBANSKI

2 Stanbro?

3 A. That would be OSI. Again, the
4 facility very quickly in this process
5 recognized there was a problem and
6 contacted OSI. OSI is our investigating
7 branch for the department, and they would
8 be the ones that deal with that
9 information. But I am pretty sure that we
10 had all of that information of who was
11 making the claim.

12 Q. Okay. When you say you are
13 "pretty sure" you had that information, I
14 don't have that information. I haven't
15 seen it documented anywhere. What makes
16 you think that you had that information?
17 What do you recall looking at or hearing
18 that led you to believe that you had the
19 information as to who made that complaint?

20 A. Maybe it was just talking to
21 the OSI investigator when he was at the
22 facility, or he or she. I just recall that
23 that was where it came from.

24 Q. So you recall there being some
25 type of documentation of the identity of

1 S. URBANSKI

2 the person at Westchester who made this
3 complaint about unnecessary force?

4 A. I believe somewhere along the
5 way that in the discussion or writing that
6 the information was that the hospital staff
7 present -- which would be the dentist and
8 whoever he had with him -- made the
9 complaint.

10 Q. Now, you also mentioned that
11 there may have been some email
12 correspondence between Westchester and
13 Fishkill regarding this complaint. If we
14 wanted to locate those emails, how would we
15 go about doing that now?

16 A. You would have to put a request
17 in. I mean, I can go back in, but for me
18 to go back in emails and find it isn't
19 always that easy, but the department has
20 the ability to do that.

21 Q. Okay. Now, did you take any
22 notes at all on August 31, 2018 regarding
23 this incident or any communications that
24 you had regarding the incident?

25 A. No, not that I recall.

1 S. URBANSKI

2 Q. Did you generate any documents
3 of any kind in connection with this
4 incident?

5 A. If there are, they should be
6 part of the UI packet.

7 Q. Well, but do you recall
8 generating any documents?

9 A. The unusual incident and use of
10 force itself, I would not have any
11 generating information. My involvement
12 would be to get the information, obviously
13 direct staff and obviously I notified OSI.

14 MR. SIVIN: Okay. Thank you.
15 I don't have any other questions.

16 MS. WEIS: May I go?

17 MR. FITCH: How about you and
18 then me?

19 MR. HEINZE: I have several
20 questions.

21 MR. FITCH: I have a couple.

22 EXAMINATION BY

23 MR. FITCH:

24 Q. Sir, I'm Robert Fitch. I
25 represent Dr. Weber who was the dentist

1 S. URBANSKI

2 providing treatment at Westchester Medical
3 Center. It sounds like you have heard Dr.
4 Weber's name before today?

5 A. It's familiar, but if you, out
6 of the blue, asked me who Dr. Weber was, I
7 would not be able to tell you.

8 Q. I was going to say, other than
9 in context of this --

10 A. I don't --

11 Q. Do you have any knowledge of
12 who Dr. Weber is?

13 A. No.

14 Q. Sir, to your recollection, have
15 you ever spoken to Dr. Weber?

16 A. No.

17 Q. I'm sorry, it broke up.

18 A. My answer?

19 Q. Your answer, I didn't hear it,
20 sir.

21 A. Okay, I'm sorry. No. I don't
22 believe I've ever spoke with Dr. Weber.

23 Q. And just you mentioned that --
24 and I just want to see if you heard this
25 directly or if you heard it from somebody

1 S. URBANSKI

2 else -- that it was someone on the dental
3 staff who complained about the use of
4 force. Did you have that conversation with
5 somebody at Westchester Medical Center, or
6 did you hear about it from somebody else?

7 A. Again, it might have been from
8 the OSI investigator. I don't recall
9 having direct conversation with anybody
10 from Westchester.

11 Q. And if you could just tell me
12 your understanding of OSI's eventual role.
13 Are they obliged to produce some type of
14 report that gets sent to you or somebody in
15 the system?

16 A. It is not common practice for
17 OSI to send a completed report to the
18 facility.

19 Q. Do you know if they are
20 required to prepare a report to somebody
21 when they complete their investigation?

22 A. I would imagine they do. Who
23 it gets forwarded to, you would have to ask
24 OSI.

25 MR. FITCH: Thank you, sir. I

1 S. URBANSKI

2 have no further questions.

3 EXAMINATION BY

4 MS. WEIS:

5 Q. Good afternoon. My name is
6 Claudine Weis. I represent Westchester
7 Medical Center. And I know it's been gone
8 over, but I do have some questions to ask
9 about this complaint that you referenced to
10 from Westchester Medical Center. The OSI
11 investigator that you may have learned
12 information from, do you recall who that
13 was?

14 A. I do not remember who the
15 investigator was on this claim. It's got
16 to be on record, you can find out, but off
17 the top of my head, I don't recall.

18 Q. Well, I'm not asking what's in
19 the record. I am asking, do you recall who
20 it was that conveyed to you the information
21 that there was a complaint.

22 MS. COLLINS: Objection, but
23 you can answer.

24 A. No, I don't.

25 Q. Initially, you testified that

1 S. URBANSKI

2 the complaint from Westchester Medical
3 Center came in either while Mr. Stanbro was
4 being transported or soon after arrival to
5 the RMU. Do you remember a better
6 understanding as to when that complaint
7 came in?

8 MR. SIVIN: Objection.

9 A. You were a little broken up, so
10 I'm not sure if I heard the entire question
11 properly.

12 Q. Do you recall when you learned
13 about complaints from OSI that someone from
14 Westchester Medical Center had a complaint
15 about the use of force?

16 A. Again, I believe it was that
17 day, but the specific timeframes, it's
18 three years ago.

19 Q. Do you have a recollection if
20 it was before or after Officer Deal and
21 Palou completed their use of force report?

22 A. I believe that somebody reached
23 out from the hospital prior to that, but
24 that's the best of my recollection.

25 Q. And that is information that

1 S. URBANSKI

2 you obtained after the fact from the OSI
3 investigator, correct?

4 A. Your speech is broken up. I am
5 having a hard time understanding you.

6 MS. COLLINS: Claudine, you are
7 getting a little feedback.

8 (Whereupon, an off-the-record
9 discussion was held.)

10 Q. The information that you
11 obtained from OSI, was it before or after
12 Officer Deal and Palou were completing
13 their use of force reports?

14 A. Well, OSI was involved prior to
15 that because that was -- OSI was contacted
16 after that when we realized there was a
17 problem. OSI would not have been contacted
18 quite that early in the incident to the
19 best of my recollection.

20 Q. So at the time that you
21 requested Officer Deal and Palou to
22 complete their use of force reports, had
23 you obtained any information that someone
24 from Westchester Medical Center had made a
25 complaint about the force that was used at

1 S. URBANSKI

2 the time of the dental procedure?

3 A. I believe we had information
4 that questioned the use of force from
5 Westchester prior to them returning.

6 Q. What was the source of that
7 information to you?

8 A. Again, I don't recall. It was
9 three years ago.

10 Q. How is it that you came to
11 learn that information?

12 A. Again, you are asking three
13 years ago. It's just something that I
14 remember that we received, which brought
15 the question. But I don't recall at this
16 point; it's been years.

17 Q. I appreciate that, and I don't
18 mean to belabor a point, but you keep
19 saying "we" learned. Who is "we" in this
20 conversation?

21 A. When I talk to "we," I refer to
22 we as the facility, so the facility learned
23 it.

24 Q. And when you say "the
25 facility," who at the facility learned it?

1 S. URBANSKI

2 A. Again, you have asked where
3 specifically the information came from, and
4 I can't answer it, so I really can't answer
5 that question either.

6 Q. Do you know if it was a male or
7 a female who contacted the facility?

8 A. I did not speak to anybody
9 personally from Westchester, so I don't
10 know.

11 Q. If there was someone from
12 Westchester Medical Center from the
13 facility who reached out to Fishkill, who
14 would they have contacted?

15 A. It could have been the deputy
16 of health. They could have called -- we
17 have an automatic answering, so they could
18 have got the operator and then been
19 forwarded to the watch commander. They
20 could have been forwarded to my captain's
21 office. There's a lot of possibilities.
22 That's why for me to answer the question is
23 difficult.

24 Q. The watch commander's office is
25 Officer DeCosta?

1 S. URBANSKI

2 A. Lieutenant DeCosta.

3 MS. WEIS: Okay. I have no
4 other questions. Thank you.

5 EXAMINATION BY

6 MR. HEINZE:

7 Q. Good afternoon, Deputy. My
8 name is Mark Heinze. I represent Officers
9 Deal and Palou. Can you hear me okay?

10 MR. SIVIN: Mark, you are
11 really breaking up.

12 Q. How about now?

13 A. Seems a little better, but two
14 words was not really enough to tell you.

15 Q. Do you remember where precisely
16 you were located at Fishkill when you first
17 learned of this incident?

18 A. No, I don't.

19 Q. Do you remember who was the
20 person who first communicated to you
21 anything about it?

22 A. Not specifically, no.

23 Q. Do you know if you learned of
24 this incident by telephone, or in person,
25 or something else?

1 S. URBANSKI

2 A. At this point, if I answer your
3 question, I would be speculating and just
4 telling you what normal procedure is. No,
5 I don't remember who initially reported the
6 incident to me or how.

7 Q. When it was reported to you,
8 did you receive any particular orders or
9 directives to do something about it?

10 A. I couldn't understand your
11 question.

12 Q. Were you given some directive
13 to do something about it? Meaning, did you
14 learn this in connection from somebody
15 directing you to do something about this
16 incident?

17 A. You are right now very broken.
18 It's like your audio is late to your
19 talking, and I don't know if I am getting
20 your full question or not. You are on like
21 a lag almost, very choppy.

22 Q. I will try again. I'm hearing
23 everything on my end fine. In terms of
24 your learning about this incident, was this
25 something that was assigned to you?

1 S. URBANSKI

2 (Court Reporter talking).

3 (Whereupon, the referred to
4 question was read back by the
5 Reporter.)

6 A. Well, that's my job. When
7 issues come up at the facility, I give
8 direction to deal with the incident, so I
9 would not be given direction to deal with
10 it. I am the one giving directions. Now,
11 the superintendent my have input, but I
12 don't recall that day him giving me any
13 directions other than what I have already
14 put in place.

15 Q. Are use of force incidents
16 required to be reported to you?

17 A. The audio problem still exists.

18 (Whereupon, the referred to
19 question was read back by the
20 Reporter.)

21 A. Yes.

22 Q. Can you outline the chain of
23 command as it existed both above you and
24 under you on August 31, 2018?

25 A. Can you just clarify the

1 S. URBANSKI

2 question for me?

3 (Whereupon, the referred to
4 question was read back by the
5 Reporter.)

6 A. So Fishkill's chain would be at
7 the facility level is the superintendent.
8 He has the ultimate responsibility.
9 Fishkill has a first dep who is directly
10 underneath the superintendent, and the
11 deputy superintendents, which would be
12 myself, dep of programs, dep of
13 administration, and obviously we have a dep
14 of health because of our regional medical
15 unit. Then, goes down to two captains at
16 the facility. Then, it drops down to watch
17 commanders, sergeants, and ultimately the
18 final step would be the officers.

19 Q. Do you know whether when
20 telephone calls come into Fishkill that a
21 log is maintained of them?

22 A. The operator, if they come
23 through the operator, the operator has a
24 log that she keeps, but if somebody is
25 dialing directly in, they would not be part

1 S. URBANSKI

2 of the log that way. There might be an
3 electronic log, but that's not something
4 that my office would deal with.

5 Q. Maybe you don't know this. Do
6 you know if Westchester Hospital's point of
7 contact to Fishkill was through the RMU?

8 A. In regards to?

9 Q. I mean, I am asking you
10 generally, but I am referring also to --

11 A. Generally speaking,
12 Westchester is a medical center and their
13 contact would be the medical department.

14 Q. Okay. Is this something that's
15 within your knowledge, or are you just
16 saying that's logical to you?

17 A. It's within my knowledge and
18 logical. Westchester is a medical center.
19 If there is a medical issue, they would
20 reach out to our medical staff to discuss
21 it with them, so the medical staff is their
22 normal point of contact.

23 Q. I don't mean to belabor this,
24 but with respect to the complaint as you
25 described it from Westchester Hospital,

1 S. URBANSKI

2 assuming it was reported to you verbally,
3 meaning either in person or on the phone,
4 was the person who reported that to you the
5 recipient of that complaint? Meaning, you
6 are receiving it secondhand from the person
7 who got it, or were they further steps away
8 from the recipient of the complaint before
9 it was reported to you, if you know.

10 A. I have testified to it three
11 different times already that I don't recall
12 specifically how I got the information.

13 Q. You said that you referred the
14 matter to OSI. Did you tell us by what
15 means you did that?

16 A. On something like this that
17 develops and all of a sudden, we recognize
18 there's injuries, it would be a phone call.
19 That day, if I specifically placed the
20 phone call or if I brought it to the
21 superintendent's direction and he placed
22 phone call, I wouldn't be able to tell you.
23 But normally on a situation like this, it
24 would be a phone call.

25 Q. Is there a particular person

1 S. URBANSKI

2 who you would call?

3 A. Well, I have a general number,
4 and they put me through to an OSI staff
5 member. Usually, it's someone in their
6 main office that will direct it out from
7 there.

8 Q. Are you saying there is nobody
9 in particular you would call, that you
10 would be referred to somebody that was on
11 duty at the time?

12 A. Not necessarily. Not for
13 something like that.

14 Q. Well, do you remember asking
15 for somebody in particular for this, or do
16 you remember it being a general referral,
17 or something else?

18 A. I don't recall who specifically
19 I spoke to that day.

20 Q. Okay.

21 A. And I already testified the
22 superintendent might have actually placed
23 that phone call.

24 Q. Okay. One last thing, maybe
25 this is just for my education. What do you

1 S. URBANSKI

2 mean when you refer to a "pre-planned use
3 of force?"

4 A. So there's instances that
5 happen -- I don't know what the best word
6 to describe it is -- instantaneously, where
7 you don't have control over it and you have
8 to use force to control the situation.
9 That's unplanned. If an incident is taking
10 place and immediate force is not necessary
11 to control it and we have time, that would
12 be a pre-planned use of force, where we
13 would go through the process trying to talk
14 the inmate out. But eventually, compliance
15 has to happen, and then the supervisor
16 would authorize that. That would be a
17 pre-planned use of force.

18 Q. So that would that be something
19 like an inmate refuses to come out of their
20 cell and you have to go in and take them
21 out, so it's planned and organized?

22 A. I cell extraction could be
23 pre-planned or it could be the other
24 depending on the circumstances.

25 MR. HEINZE: That's all I have.

1 S. URBANSKI

2 Thank you very much.

3 MS. COLLINS: I have a very
4 quick follow-up as well.

5 EXAMINATION BY

6 MS. COLLINS:

7 Q. Deputy Urbanski, thank you for
8 your patience. I know it's been a long
9 day. Are you familiar with HIPAA laws?

10 A. Yes.

11 Q. Are you aware if under HIPAA
12 officers are permitted to videotape inside
13 of a hospital?

14 A. Normally, hospitals frown on
15 that, so they don't normally allow us.

16 MS. COLLINS: Okay, I have
17 nothing further.

18 MR. SIVIN: I'm sorry. I have
19 a couple follow-ups. There is
20 something I neglected to question you
21 on.

22

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S. URBANSKI

C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF ORANGE)

I, VICTORIA CHUMAS, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of May 2021.



VICTORIA CHUMAS